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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:23921 of 2005

DATED: 27-06-2006

Between:

1. The Union of India, rep.by its Secretary, Ministry of Defence, New Delhi and another.

.....
PETITIONERS

AND

Shri Subodh Kumar Jain Superintending Engineer, SOI (Pers.) Chief Engineer (Navy) Station Road, Visakhapatnam

.....RESPONDENT

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ORDER: (per BPR,J)

Heard Sri A.Rajasekhar Reddy, learned Assistant Solicitor General appearing on behalf of the petitioners and also Sri P.Ramabrahmam, learned counsel appearing on behalf of the respondent herein, and at their request the main writ petition itself

is taken up for disposal.

The petitioner herein who is the Union of India seeks to assail the orders passed in O.A.No.933 of 2003 dated 22-07-2005 wherein the Central Administrative Tribunal, Hyderabad Bench, allowed the application filed by the respondent herein after satisfying itself that his case having been considered on proper perspective and ultimately directed to conduct a review DPC to consider the name of the applicant for promotion of Superintending Engineer against the vacancies of the year 1999-2000 and 2000-2001 and pass appropriate orders.

During the course of arguments the learned Standing Counsel appearing on behalf of the petitioners submits that the respondent herein in fact approached the other tribunal at Madras Bench and has filed another O.A.No.128 of 2002 which was disposed of directing to consider the case of the petitioner, and accordingly considered and the same was rejected by the petitioners as per orders dated 17-04-2002.

Having considered the submissions made, it is not necessary for this Court to go into merits since the fact remains that in respect of the other OA there is only a direction to consider afresh the case of the respondent. Admittedly the representation filed by the respondent herein was not considered by conducting a

review DPC but only by the petitioners themselves.

In view of the same, it is felt more desirable to direct the petitioners herein to consider the case of the respondent as ordered by the tribunal and pass orders in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

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27th June, 2006

SKM